

Lecture 8b – The Law:

The Media – especially the 'popular' press and TV – have contributed adversely towards the public's attitude to and fear of CRIME

This factor – coupled with the highest crime rate in the world (barring Australia) has made LAW & ORDER a matter of central concern for Tony Blair's government – even though L & O is heavy on public expenditure
New Labour – like the Conservative governments prior to them – have vowed "to get tough on crime and the causes of crime":

The only noticeable innovation by Labour has been the introduction of **Youth Offending Teams** to fight **juvenile crime**

The legal system reflects Class and has a MC bias:

The legal machinery involves elements of BOTH **protection** and **control**

The Judiciary supplies a service to the public AND a public control that has to find the balance between **the rights of the individual + the needs of the community at large**

The Police:

Today the Police suffers from being **undermanned/inefficient** (e.g. growth of Private Security firms + Neighbourhood Watch schemes), **not an ethnic representation of society** (e.g. The Metropolitan Police Force), **locally controlled** in 52 separate forces, with a **dubious image** due to recent cases of violence, corruption (e.g. the 'Brigewater Three' released in 1997) and racial discrimination (e.g. the Stephen Lawrence Case of 1993)

NB: there have been renewed attempts to **improve the public image**:

- 1) Police (Bobbies) are back on the beat in inner cities (= servants of the public)
- 2) Police + local community co-operation (= "community policing" + liaison committees)

Crime:

- economy and crime clearly relate

However, the Conservative governments refused to accept this and based their policies on "a decline of moral standards"

Serious crime doubled in the period of Conservative government, and it continues to rise

- since 1997 more people have been put into prison than anywhere else in W. Europe

- New Labour have this year introduced a **10-year anti-crime strategy** –

with emphasis on new methods of tackling crime (not least, terrorism) **+ the removal of failed asylum seekers**

The Judicial System:

The **Judiciary** is the 3rd branch of government – autonomous + independent + subordinate to the other two

- its function is "to interpret and apply the policies enacted by legislature"

- **sources of law**:

- 1) Parliamentary legislation
- 2) 'common law' (= moral legislation –from previous cases/custom)
- 3) EC law (= social + economic matters relating to EU)

NB: the British have a **law of negative liberty** =they may do anything if it is not forbidden

England & Wales / Scotland / N. Ireland = three different legal systems

England & Wales has an **adversarial** system with 2 divisions:

- 1) **Civil** (= **non-criminal**) cases (property, divorce, discrimination etc.)
 - with **county courts, high courts, the Court of Appeal** (Civil division)
- 2) **Criminal** cases
 - with **magistrates courts, crown courts, Court of Appeal** (Criminal division)

NB: **The House of Lords** 28 "Law Lords" is the highest Court of Appeal in the land – it is used in cases that are of general public importance

The Legal Profession:

There are 2 distinct kinds of **lawyer** in Britain:

1) a **solicitor** is the lawyer everyone goes DIRECTLY to – this lawyer handles most legal matters for their clients: ALL legal papers (e.g. wills, business contracts), as a "go-between" communicating with other 'parties', presenting clients' cases in **magistrates courts**, (since 1999 – The Access of Justice Act) presenting cases in higher courts + can become a judge

- **solicitors** are 'articled' to a firm –where they work and study to pass the **Law Society Exam**

2) a **barrister** has one function – to present cases in court

Barristers are not to talk alone with their clients/clients' witnesses

Barristers attend one of the **4 Inns of Court** in London for 4 years - On passing their final exams they are 'called to the bar'

The most able barristers apply to 'take silk', and, if accepted become **QCs** (= Queen's Counsel)

solicitors deal practically **in detail** with the problems + realities of everyday life

barristers become experts on **general principles of law**